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SENSITIVE

STATE FOR WHA, WHA/CAR, WHA/PCC, WHA/EPSC, INL;  
NSC FOR SHANNON AND MADISON; DEPT PASS USAID LAC  
USCINCSO ALSO FOR POLAD; TREASURY FOR OASIA-LCARTER  
USDOC FOR 4322/ITA/MAC/WH/CARIBBEAN BASIN DIVISION  
USDOC FOR 3134/ITA/USFCS/RD/WH; DHS FOR CIS-CARLOS ITURREGUI

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SUBJECT: DOMINICAN POLITICS #23 - PROFESSOR LEONEL TEACHES  
LAW AND POLITICS

11. (SBU) Following is #23 in our series on Dominican  
politics in the first year of the Fernandez administration.

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Professor Leonel Teaches Law and Politics  
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Santo Domingo's District Attorney Jose Manuel Hernandez Peguero, was called to the principal's office on April 114. Leonel Fernandez summoned him to the Presidential Palace the day after the DA had issued a subpoena for former president Hipolito Mejia to question him in conjunction with the Quirino Paulino Castillo narcotics case. The DA emerged from the office doing everything he could to avoid looking like a castigated school child while announcing to the press that he had withdrawn his subpoena for Mejia. It appears as if the President spent his three-hour meeting with Hernandez teaching him a legal lesson, a political lesson or both. Hipolito Mejia went on television Monday night, April 18, and provided a good gruff show without any revelations.

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Legal lessons: When to go fishing  
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Nearly all lawyers are faced at some point with the decision of when to question a witness or potential defendant. Should there be an early deposition/interrogation, or should one wait until one has as many facts as possible to go after the big fish? If questioned early on, perhaps a potential defendant will be more talkative and less defensive. The downside of early questioning is the lack of that information from other sources, gathered during questioning of witnesses and evaluation of evidence, that could allow for probing interrogation resulting in an indictment.

Last Wednesday, April 13, the DA decided he wanted to go fishing. He issued a subpoena for Mejia relatively early in the investigation of the complicated, multi-defendant Quirino case. Calling an ex-President to provide testimony raised Hernandez's profile, an important consideration for a man who sees a political future ahead. By his decision on timing, Hernandez made it clear that he would be asking wide-ranging questions in hopes of gathering enough information to implicate others or move the case forward.

On Thursday President Fernandez called the DA in and told him to cut bait, instead. Remember, Leonel Fernandez sees himself as an intellectual, a teacher, a leader, a 21st century renaissance man for Latin America ) and a lawyer. His law degree is from the Autonomous University of Santo Domingo (UASD) and he did post-grad work at Columbia and SUNY. In a case with as high a profile as the Quirino Paulino trafficking case, any lawyer will be speculating how it should progress and what the final outcome will be.

Leonel Fernandez probably stepped in and told his appointed DA that he was making a tactical legal error. If you want to catch an ex-President, don't go fishing ) wait until you've patiently built your case with evidence from other sources, and then haul the big one in when you're certain you have a strong enough net to hold him. However, nothing with Leonel is ever simple. Undoubtedly there was a political lesson to be taught as well.

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Political lesson: We're working on anti-corruption. Don't mess it up.  
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Fernandez's administration is marshaling several corruption cases against former Mejia administration officials and supporters. Mejia has been telling the press for months now that at least some of the cases, especially that for Plan Renove, now in hearings at the colonial zone's Palacio de

Justicia, amount to nothing more than a politically motivated &show8. Leonel has kept himself above the fray, doing little more in public than making general statements about preventing and investigating corruption. Fernandez knows that his top-level legal appointees, particularly Attorney General Francisco Dominguez Brito and Legal Advisor Cesar Pina Toribio, are well respected by all, not just by fellow PLD members. Corruption cases brought to date have a seal of authenticity because the public believes the AG is a principled man who would not bring unfounded charges against someone for political reasons.

DA Hernandez doesn't have a bad reputation, but he doesn't have the standing of Dominguez Brito. The problem is that a presidentially appointed DA calling in an ex-president for questioning could change public perceptions. The average Dominican could begin to listen to Mejia's complaints about &show trials.8 Leonel wants to anchor a reputation for his administration as standing strongly and consistently against corruption. He knows, for example, that his senior law enforcement team impresses the USG. Law enforcement cooperation remains a bright light in the bilateral relationship; other lights in the house are powered by an electricity supply as uncertain as the one in San Francisco de Macoris.

So ) we weren't there and haven't heard directly, but we assume that during the three-hour meeting, President Leonel imparted a bit of knowledge from experience to his over-anxious DA. Publicly, the meeting is being labeled as a discussion between gentlemen on anti-corruption efforts.

Hernandez told the press that he had already decided to withdraw the subpoena because a &flood of new information8 had become available. A good part of that flood probably came from the counsels of the twice-elected President.

On Monday night, as promised (or threatened), Hipolito Mejia spent an hour on a television interview show. He named no further names, denied that he had signed the promotion order for Quirino, and generally put on a good gruff show without providing any revelations.

12. (U) Drafted by Angela Kerwin.

13. (U) This piece and others in the series can be consulted on our SIPRNET classified site <http://www.state.sgov.gov/p/wha/santodomingo> along with extensive other material.  
HERTELL